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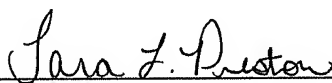
## EFS Transmission Sheet

October 28, 2009

To: Examiner Micah Paul Young  
From: Stephen P. Burr/Nicole J. Buckner  
Re: In re the Application of: Jiro KANIE  
Serial No.: 10/826,165 Art Unit: 1618  
Date Filed: April 16, 2004 Conf. No. 8549  
Title: ENTERAL NUTRITION PRODUCT AND METHOD FOR PREPARING THE SAME  
Our Docket No.: 889\_001

I hereby certify that the following 4 page(s) **including this cover** is/are being transmitted via EFS to the Patent and Trademark Office on **October 28, 2009**:

	<u>Paper</u>	<u># of Pages</u>
1.	Cover Page .....	<u>2</u>
2.	Response to Notification of Non-Compliant Appeal Brief .....	<u>2</u>
	<i>Total Pages</i>	<u>4</u>

  
Tara L. Preston

*EXTENSION OF TIME*

☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

☐ This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. The requested extension and appropriate non-small entity fee are as follows:

- |   |            |  |
|---|------------|--|
| <input type="checkbox"/> One Month (37 CFR 1.17(a)(1) .....   | \$130.00   |  |
| <input type="checkbox"/> Two Month (37 CFR 1.17(a)(2) .....   | \$490.00   |  |
| <input type="checkbox"/> Three Month (37 CFR 1.17(a)(3) ..... | \$1,110.00 |  |

*OTHER MISCELLANEOUS FEES*

- |  |          |  |
|--|----------|--|
| <input type="checkbox"/> RCE Filing Fee (37 CFR §1.17(e) .....           | \$810.00 |  |
| <input type="checkbox"/> Terminal Disclaimer (37 C.F.R. § 1.20(d)) ..... | \$140.00 |  |
| <input type="checkbox"/> Other: .....                                    |          |  |

**SUBTOTAL OF FEES DUE**

**\$0.00**

☒ Applicant claims small entity status (37 CFR 1.27). Therefore, the fee amount is reduced by one-half.

**TOTAL FEES DUE**

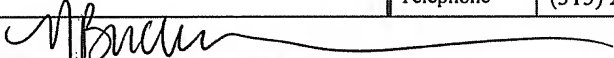
**\$0.00**

☒ No additional fee is required.

☐ The fees associated with this paper are being paid electronically with this submission.

☒ The Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

**Submitted By:**

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Signature				Date	October 28, 2009